



17 SEP 2003

NOT RECORDED IN PUBLICATION

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

SMITHKLINE BEECHAM CORPORATION
Corporate Intellectual Property - UW2220
P.O. Box 1539
King Of Prussia, PA 19406-0939

In re Application of: COATES, William, John, et al.	:	
U.S. Application No.: 09/600,984	:	
PCT No.: PCT/EP99/00333	:	DECISION ON RENEWED
International Filing Date: 21 January 1999	:	PETITION UNDER
Priority Date: 26 January 1998	:	37 CFR 1.47(a)
Attorney's Docket No.: P31957	:	
For: QUINOLINE DERIVATIVES AS	:	
ANTIBACTERIALS	:	

This decision is issued in response to the "Renewed Petition Under Rule 37 CFR 1.47(a)" filed on 02 September 2003. No petition fee is required.

BACKGROUND

In a decision mailed by this Office on 14 February 2003, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failure to satisfy all the requirements of a grantable petition. Specifically, the decision held that applicants had not provided the required firsthand evidence to demonstrate that the nonsigning inventor had been provided with a copy of the complete application papers and had refused to sign the application.

On 02 September 2003, applicants submitted via facsimile the renewed petition considered herein. The submission included a copy of a return postcard that itemized the petition materials and bears a USPTO receipt stamp dated 14 April 2003. Based on applicants' statements in the present submission and the stamped return postcard, it is concluded that the renewed petition was originally filed on 14 April 2003 as a timely response to the 14 February 2003 decision.

DISCUSSION

The renewed petition includes a declaration by Jill B. Valentine providing firsthand confirmation of the correspondence between herself and the nonsigning inventor attached to the original petition. Based on this statement, and the original petition and exhibits thereto, it is concluded that applicants have provided adequate proof that the inventor refuses to execute the application.

Applicant has now satisfied all the requirements for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The declaration filed on 15 February 2001 is accepted without the signature of inventor Ian Keith HATTON.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and a notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision. The 35 U.S.C. 371(c) date is 15 February 2001.



Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459



Ian Keith HATTON
Heath House
28 West Street, Reigate, Surrey
RH2 9BX
United Kingdom

In re Application of: COATES, William, John, et al.
U.S. Application No.: 09/600,984
PCT No.: PCT/EP99/00333
International Filing Date: 21 January 1999
Priority Date: 26 January 1998
Attorney's Docket No.: P31957
For: QUINOLINE DERIVATIVES AS ANTIBACTERIALS

Dear Mr. HATTON:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a). Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

Counsel of Record:
SMITHKLINE BEECHAM CORPORATION
Corporate Intellectual Property - UW2220
P.O. Box 1539
King Of Prussia, PA 19406-0939